

By



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,687	11/18/2003	Scott S. Firestone	062891.1121	4810
5073	7590	10/05/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/715,687	FIRESTONE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melur Ramakrishnaiah	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 9-12, 14-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-18-03/12-10-03</u>  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-7, 10, 11-12, 15, 16-17, 20, are rejected under 35 U.S.C 102(b) as being anticipated by Ben-Shachar et al. (US PAT: 6,674,459, hereinafter Ben-Shachar).

Regarding claim 6, Ben-Shachar discloses a method for providing video conferencing synchronization, comprising: receiving one or more incoming audio streams , each of the one or more incoming audio streams being associated with endpoint local time stamps (fig. 5, col. 13 lines 23-50), converting the endpoint local time stamps to endpoint network time stamps for each one of the one or more incoming audio streams, generating mixed audio stream from the one or more incoming audio streams, the mixed audio stream having a mixer network timestamps (col. 13 lines 52-67, col. 14 lines 1-6, lines 31-47 and table 2), determining mapping parameters between endpoint network time stamps and mixer network time stamps and mixer network time stamps (this is implicit in as much as the reference teaches combining the video stream with the mixed audio stream to produce multimedia file containing the playable recording, col. 15 lines 11-23).

Regarding claim 11, Ben-Shachar discloses a system for providing video conferencing synchronization, comprising: means (600, fig. 1) for receiving one or more incoming audio streams, each of the one or more incoming audio streams being

Art Unit: 2643

associated with endpoint local time stamps (fig. 5, col. 13 lines 23-50), means (600/RU, figs. 1, 5) for converting the endpoint local timestamps to endpoint network time stamps for each of the one or more incoming audio streams, means are generating a mixed audio stream from the one or more incoming audio streams, the mixed audio stream having mixer network time stamps (col. 13 lines 52-67, col. 14 lines 1-6, lines 31-47 and table 2), means in (600, fig. 1, for determining mapping parameters between the endpoint network time stamps and mixer network time stamps (this is implicit in as much as the reference teaches combining the video stream with the mixed audio stream to produce multimedia file containing the playable recording, col. 15 lines 11-23).

Regarding claim 16, Ben-Shachar discloses a computer readable medium including code for providing video conferencing synchronization, the code operable to: receive one or more incoming audio streams, each of the one or more incoming audio streams being associated with endpoint local time stamps (fig. 5, col. 13 lines 23-50), convert the endpoint local timestamps to endpoint network time stamps for each one of more incoming audio streams, generate a mixed audio stream from one or more incoming audio streams, the mixed audio stream having a mixer network time stamps (col. 13 lines 52-67, col. 14 lines 1-6, lines 31-47 and table 2), determine mapping parameters between endpoint network time stamps and mixer network time stamps (this is implicit in as much as the reference teaches combining the video stream with the mixed audio stream to produce multimedia file containing the playable recording, col. 15 lines 11-23).

Regarding claims 7, 10, 12, 15, 17, 20, Ben-Shachar further teaches the following: receiving information indicating a relationship between endpoint local time stamps and endpoint network time stamps for each of the one or more incoming audio streams (col. 13 lines 36-67; col. 14 lines 1-6), providing mapping parameters to video stream processing in order to synchronize the mixed audio stream with the associated mixed video stream (this is implicit in as much as the reference teaches combining the video stream with the mixed audio stream to produce multimedia file containing the playable recording, col. 15 lines 11-23).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 14, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar in view of Xu (EP0987894A2).

Regarding claims 9, 14, 19, Ben-Shachar does not teach the following: adjusting mapping parameters in response to a change in average jitter buffer levels associated with each of the incoming audio streams.

However, Xu discloses dejittering and clock recovery technique for real-time audio/visual network application which teaches the following: adjusting mapping

Art Unit: 2643

parameters in response to a change in average jitter buffer levels associated with each of the incoming audio streams (fig. 2 and abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Ben-Shachar's system to provide for the following: adjusting mapping parameters in response to a change in average jitter buffer levels associated with each of the incoming audio streams as this arrangement would facilitate synchronizing of audio and video signals susceptible to jitter when transmitted through a network as taught by Xu, the providing synchronized viewing of vide signals along with audio.

5. Claims 8, 13, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


6. Claims 1-5 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2643